IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2743 OF 2005

Kabir Mulchandani
and Anr. ..Petitioners

Vs.

The State of Maharashtra
& Anr. ..Respondents

....

Mr.Shubhangi P.Chavan i/b
A.M.Saraogi Advocate for Petitioners
Mr.D.S.Mhaispurkar A.P.P. for the State

....

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 14,2006

P.C.

1. Heard the learned advocate for the Petitioners. None appears for the Respondent No.2 though served.

2. The Petitioners are facing prosecution in Case No.SC/360/05 which is pending before the learned Judicial Magistrate F.C. Panvel. The said case is under Section 138 of Negotiable Instruments Act.

3. The Petitioners are seeking quashing of the non-bailable warrants issued against the Petitioners as well as for exemption from personal appearance. The learned advocate for the petitioners states that Petitioners will be represented by an Advocate at all times before the trial Court. In view of the statement and the other facts and circumstances of this case, non-bailable warrants issued against the Petitioners are set aside. The learned Magistrate shall not insist on the presence of the petitioners unless their presence is absolutely necessary. In such a case, on notice being given to the Petitioners, they shall remain present before the trial Court on the date indicated by the trial Court.

4. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]